

REMARKS

Reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. §§ 1.111 & 1.112, are respectfully requested.

Response to Claim Rejection Under 35 U.S.C. § 102(a)

At pages 3 and 4 of the Office Action, claims 1, 28, 29, 31-33, 35-38 and 110 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Bernkop-Schnurch et al., *Pharmaceutical Research* 16:876-881 (1999). This rejection is respectfully traversed.

Specifically, the Examiner has stated that because the priority document (Australian Patent Application No. 1828/98) does not provide support for the thiolated polymers of claim 1, the application has only been granted a priority date of November 4, 1999. See paragraph bridging pages 2-3 of the Office Action. Thus, the Examiner has concluded that Bernkop-Schnurch et al. qualifies as prior art under 35 U.S.C. § 102(a).

Applicants do not concede to the Examiner's position with respect to the disclosure of the priority document and thus the priority date for the subject application. However, to expedite prosecution in the subject application, Applicant submits herewith a Declaration of Andreas Bernkop-Schnurch, named inventor of the present application, establishing that Bernkop-Schnurch et al. describes the inventor's own work. In particular, Dr. Bernkop-Schnurch is a co-author of Bernkop-Schnurch et al., along with additional co-authors (Veronica Schwartz and Sonja Steininger). As stated in the Declaration, the named inventor is the sole inventor of the invention claimed in the present application and described in Bernkop-Schnurch

et al., and the additional co-authors of the reference were merely working under the direction and supervision of the named inventor.

Accordingly, Bernkop-Schnurch et al. does not qualify as prior art under § 102(a) against the present application. Hence, Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (703) 838-6609 so that prosecution of the application may be expedited.

Respectfully submitted,

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